

### **Remarks**

Claims 1 through 31 are pending. Claims 1-5 and 8-31 have been amended. New claims 32 through 40 have been added. No new matter has been added.

### **Claim Objection**

The Examiner has objected to claim 15 because it recites “fields” rather than “field.” Applicants have amended claim 15 to recite “field.”

### **Claim Rejections - 35 U.S.C. § 112**

The Examiner has rejected claims 3, 5, 9 and 13 because the terms “may” or “may be” are allegedly indefinite. Applicants have amended claims 3, 5, 9, and 13 to obviate this rejection.

The Examiner has rejected claim 21 as lacking antecedent basis for the term “said magnets.” Applicants have amended claim 21 to correct the antecedent basis as well as to clarify the claim.

Reconsideration and withdrawal of the rejections is respectfully requested.

### **Claim Rejections - 35 U.S.C. § 102**

The Examiner has rejected claims 1-7, 9, 10, 13, 18, 19, 22-27 and 28-30 under 35 U.S.C. § 102(b) as anticipated by Goddard (EP 0400847).

Goddard does not teach or suggest using a sensor to monitor the time-dependent movement of the particle as it moves to and fro within a magnetic field. To the contrary, Goddard merely discloses detecting the particle at its resting position. Thus, it does not anticipate the claims as amended. Reconsideration and withdrawal of the rejection is respectfully requested.

*Claim Rejections - 35 U.S.C. § 103*

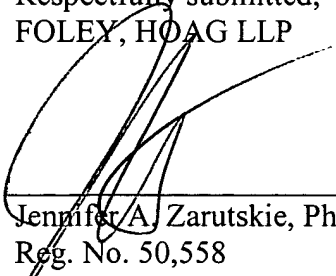
The Examiner has rejected claims 11, 12, and 15-17 under 35 U.S.C. § 103(a) as obvious in view of Goddard (EP 0400847). All of claims 11, 12 and 15-17 as amended now incorporate the limitation that the magnetic field sensor is operative to detect the time-dependent movement of the particle.

As discussed above, Goddard does not teach or suggest detecting the time-dependent movement of the particle within the volume or sample. Thus, Goddard does not disclose or suggest the amended claims 11, 12, and 15-17. Moreover, there is no motivation provided to attempt modification of Goddard to achieve the claimed device. Applicants urge that the claims are therefore patentable over Goddard. Reconsideration and withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
FOLEY, HOAG LLP



\_\_\_\_\_  
Jennifer A. Zarutskie, Ph.D.  
Reg. No. 50,558  
Attorney for Applicants

***Customer No: 25181***

Patent Group  
Foley, Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600  
Tel. (617) 832-1000  
Fax. (617) 832-7000

Dated: April 18, 2006